

Remarks

Applicant requests reconsideration and withdrawal of the rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks.

Claims 1, 2, 5-7, 9, 12 and 13 are now pending in the application. Claims 1 and 6 are independent and are amended herein.

Claims 1, 2, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Laid-open Patent Application No. 11-187212 (Yoshikawa), in view of U.S. Patent No. 6,975,435 (Maitani et al.). Claims 5, 9, 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshikawa and Maitani et al., and further in view of U.S. Patent No. 5,528,788 (Yamamoto et al.). These rejections are traversed.

Independent Claims 1 and 6 have been amended by simply rewording the wherein clause. Prior to amendment, the claims recited that the reading unit retreat position and the reference white board retreat position are relatively higher than the reading unit document reading position and the reference white board document reading position. One of ordinary skill in the art would readily read that clause to require that both retreat positions were higher than both reading positions, at least to a certain degree. One of ordinary skill in the art would not read such a feature as meaning the average height of the retreat positions was greater than the average height of the reading positions. Nevertheless, in order to further clarify the claims, the independent claims have been amended to recite that the reading unit retreat position is relatively higher than the reading unit document reading position and the reference white board retreat position is

relatively higher than the reference white board document position. It is respectively submitted that the citations of record, rather taken individually or in combination, fail to disclose or suggest at least this feature.

As discussed previously, in the recording apparatus of Yoshikawa the retreat and reading positions of a line scanning unit 19 and a reference white board 20 are disposed on opposite sides of conveying plane L. In the retreat position, line scanning unit 19 is moved upwardly and reference white board 20 is moved downwardly. Therefore, the retreat position of the reference white board is clearly lower than its read position. Accordingly, Yoshikawa does not disclose or suggest at least that the reference white board retreat position is relatively higher than the reference white board document reading position, as is recited in independent Claims 1 and 6.

Thus, Yoshikawa fails to disclose or suggest important features of the present invention recited in the independent claims.

Maitani et al. and Yamamoto et al. have also been reviewed, but are not believed to remedy the deficiencies of Yoshikawa noted above with respect to the independent claims.

Accordingly, independent Claims 1 and 6 are patentable over the citations of record. Dependent Claims 2, 5, 7, 9, 12 and 13 are also allowable, in their own right, for defining features of the present invention in addition to those recited in independent Claims 1 and 6. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection does not raise any significant new issues, is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to

clearly place this application in condition for allowance. The amendments to the claims only reword the wherein clauses and are not believed to significantly affect their scope. This Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by the claims and that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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